IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO. 1856 OF 2005

D.N. NAGAR VIGHNAHARTA CO-OP. HSG. SOCIETY ...Petitioners.

V/s

THE SENIOR INSPECTOR OF POLICE D.N. NAGAR POLICE STATION, MUMBAI. ...Respondents.

Mr. Niranjan Mundargi with Mr. Shreeram Shirsat i/b S.K. Legal Associates for the petitioners.

Mr. A.M. Shringarpure, APP for the State.

CORAM: **V.G.PALSHIKAR & R.C.CHAVAN, JJ**

DATE : 11th August, 2005

P.C:

1. By this petition, petitioner - Society seeks following prayers:-

> "(a) that this Hon'ble Court be pleased to direct the Respondent No.6 through the Respondent No.1 to provide police protection at the site, i.e. Plot No.195, Survey No.106/A and City Survey No.195 at D.N. Nagar, Andheri (W), Mumbai, to enable the Petitioner No.1 to carry on the development work without any hindrance, on such terms and conditions as this Hon'ble Court may deem fit and proper;
>
> (b) that pending the hearing and final disposal of the present Petition, this Hon'ble Court be pleased to direct the Respondent No.6 through the Respondent no.1 to provide police protection at the site, i.e. Plot No.195, Survey No.106/A and City Survey No. 195 at D.N. Nagar, Andheri (W), Mumbai, to enable the Petitioner to carry on the development work without any hindrance,

on such terms and conditions as this Hon'ble Court may deem fit and proper;

(c) that interim relief in terms of prayer clause (b) be granted;

(d) for such further and other reliefs as this Hon'ble Court may deem fit and proper."

2. Society thus wants police protection at their site as and when they begin construction for the Society. Notice to show cause why petition be not admitted was issued and affidavit in reply is filed in which the police have stated as under:-

"8. I state that we are bond to provide the protection to the Petitioner during the construction of the plot of land. However, now a days all our Officers and Staff are busy in the relief work provided to flood-affected persons on war footing by the State Govt., Non Government Organizations and Pvt. Agencies. The police station itself was badly affected too. I further state that the above relief work will not be completed within one month, as the Govt. is providing flood affected persons of our jurisdiction daily amenities namely food, monetary help etc. Moreover, our jurisdictions includes the office of the 39, Amboli Vidhansabha Matdarsangh, D.N. Road, Andheri (W), Mumbai where the Dy. Collector sits with his staff for monitoring the relief, provided in this constituency."

3. In view of this statement, we see no reason to keep this petition pending. As and when the Society needs protection, it shall apply to the State for the same and the State, as enumerated in

para 8 of the affidavit quoted above, shall accordingly deal with the applications as expeditiously as possible.

4. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(R.C.CHAVAN, J.)